

July 17, 2025

BY CM/ECF

The Honorable Jessica G. L. Clarke
United States District Judge
Southern District of New York
500 Pearl Street, Room 1040
New York, NY 10007

Re: *eShares, Inc. d/b/a Carta, Inc. v. Jerry O. Talton, III*, No. 1:22-cv-10987 (JGLC)

Dear Judge Clarke:

Pursuant to Rule 2(e) of this Court's Individual Rules and Practices in Civil Cases, the parties write jointly to inform the Court that the parties seek to resolve this matter through mediation on or before September 30, 2025. The parties respectfully request an extension of the September 24, 2025, fact discovery deadline through and including December 15, 2025, to permit the parties sufficient time to mediate, and should the mediation fail, to complete discovery. The parties believe that attempting to resolve this dispute while discovery is ongoing would not only be expensive and time-consuming, but would likely require judicial resources.

The parties' exchange of documents has been substantially completed, with the exception of certain outstanding potential disputes such as issues concerning assertions of attorney-client privilege, which need not be addressed unless the mediation proves unsuccessful. Discovery related to third party document subpoenas is also nearing completion. Depositions were set to begin today, July 17th. Should the parties' efforts to resolve this matter through mediation prove unsuccessful, they will then have the same amount of time to complete discovery that would have otherwise remained between now and the current discovery deadline.

The parties previously requested an extension of the fact discovery deadline on November 25, 2024, ECF No. 143, and the Court granted an extension to May 30, 2025, ECF No. 144.¹ The parties thereafter requested an extension on May 1, 2025, ECF No. 164, and the Court extended the deadline to September 24, 2025, ECF No. 166.

¹ There was also a prior amendment to the case management plan in March 2024, which the Court entered after permitting the filing of additional counterclaims, ECF Nos. 80, 83.

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The parties believe it is in all of their interests to resolve this dispute without further litigation, and therefore respectfully request that the Court grant an extension of fact discovery through and including December 15, 2025. Attached as Exhibit A is a proposed Third Amended Civil Case Management Plan and Scheduling Order, updating dates for expert discovery in line with the proposed extension of fact discovery. The parties' next appearance is currently scheduled for October 8, 2025.

Sincerely,

/s/ Nicolle Jacoby

Nicolle Jacoby
Dechert LLP
Attorney for eShares d/b/a Carta, Inc.

/s/ Sean Hecker

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/s/ Maura Abeln Smith

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Encl.